

REMARKS

Applicant canceled claims 24-27 without prejudice or disclaimer of their subject matter, amended claims 1-23, and added new claims 28-31 to further define Applicant's claimed invention. New claims 28-31 read on elected Group I. No new subject matter has been added to the application.

The amendment to claim 1 is supported in the specification at least on page 4, lines 20-22, in Fig. 3, and in claim 3 as originally filed. The amendment to claims 2 and 13 is supported by the specification at least on page 5, lines 10-15. The amendment to claim 3 is supported by the specification at least on page 4, line 19. The amendment to claim 4 is supported at least by Fig. 1. The amendment to claim 5 is supported in the specification at least on page 5, lines 18-19 and claim 1 as originally filed. The amendment to claims 8 and 16 is supported by the specification at least on page 5, lines 10-15. The amendment to claim 9 is supported at least by claim 10 as originally filed. The amendment to claim 11 is supported in the specification at least on page 4, lines 20-21 and Fig. 1. The amendment to claim 12 is supported in the specification at least on page 5, lines 10-15 and in Fig. 1. The amendment to claim 14 is supported in the specification at least on page 5, lines 22-26. The amendment to claim 22 is supported at least by claim 23 as originally filed. New claim 28 is supported in the specification at least on page 4, lines 13 and 20-22, and in Fig. 1. New claim 29 is supported in the specification at least on page 5, lines 10-15, and in Fig. 1. New claim 30 is supported in the specification at least on page 4, lines 20-22, and in Fig. 1. New claim 31 is supported in the specification at least on page 4, lines 14-17 and 20-22, and in Fig. 1.

In the Office Action, the Examiner rejected claims 1-6, 8-15, 17-20, 22 and 23 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,416,715 to Gambert et al.

(“Gambert”). Applicant respectfully traverses the rejection. The Examiner states that Gambert has “a locking mechanism whereby the sealed closure is manually inoperable after locking (figure 1-8; col. 3, lines 2-11).” (Office Action, page 3, paragraph 3). Applicant reviewed the passage referenced by the Examiner and was unable to find where Gambert disclosed a locking mechanism that is “manually inoperable after locking.” Nonetheless, Applicant amended independent claim 1 to recite a system including “a card for retaining the biological sample, said card having an upper face and a lower face” and a platform having a recess “configured to allow access to both faces of said card when said card is in said platform.” Applicant amended

independent claim 11 to recite a platform having “a recess adapted to receive a medium for retaining the sample.”

Gambert discloses a “supporting means 4.” (Gambert, col. 3, lines 33-35; Fig. 6). Gambert does not teach or suggest a platform having a recess as recited in independent claims 1 and 11. Gambert also fails to teach or suggest a card for retaining a biological sample as recited in independent claim 1.

Applicant thus submits that the rejection of claims 1-6, 8-15, 17-20, 22 and 23 under 35 U.S.C. § 102(e) as being anticipated by Gambert has been overcome. Withdrawal of the rejection is respectfully requested.

The Examiner rejected claims 7 and 21 under 35 U.S.C. § 103(a) as being unpatentable over Gambert in view of U.S. Patent No. 6,884,397 to Day; and claim 16 under 35 U.S.C. § 103(a) as being unpatentable over Gambert in view of U.S. Patent No. 5,624,554 to Faulkner et al. Applicant submits that the rejections of dependent claims 7, 16 and 21 are rendered moot at least due to the allowability of independent claims 1 and 11, from which claims 7, 16 and 21 depend either directly or indirectly.

New independent claim 28 recites a frame “having a recess adapted to receive a medium for retaining the sample, said frame including at least one indentation” and a body “including at least one aperture for accessing said at least one indentation of said frame to facilitate movement of said frame relative to said body.” None of Gambert, Day and Faulkner teach or suggest, whether alone or in proper combination, a storage container as recited in independent claim 28 of Applicant’s claimed invention.

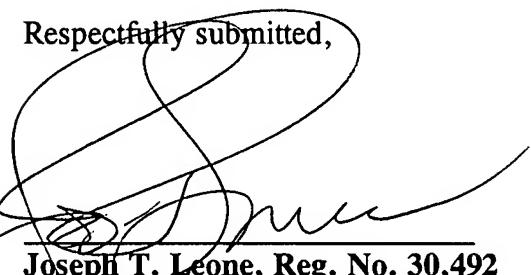
New independent claim 31 recites a “card” and “a frame having a recess adapted to receive said card, said recess being configured to allow access to both faces of said card when said card is in said frame.” None of Gambert, Day and Faulkner teach or suggest, whether alone or in proper combination, a storage system as recited in independent claim 31 of Applicant’s claimed invention.

Applicant submits that independent claims 1, 11, 28 and 31 are patentable and that dependent claims 2-10, 12-23 and 29-30 dependent from one of independent claims 1, 11, 28 and 31, or claims dependent therefrom, are patentable at least due to their dependency from an allowable independent claim. Withdrawal of the rejections under §103(a) is therefore respectfully requested.

Conclusion

In accordance with the comments and amendments set out above, all claims are now submitted to be in condition for allowance. Please call the undersigned attorney if any questions arise. Issuance of a timely Notice of Allowance of the claims is earnestly solicited. The Commissioner if authorized to charge any fees or credit any overpayments relating to this application to Deposit Account No. 18-2055.

Respectfully submitted,


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